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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

18 Cr. 601(PGG)

5 GODOFREDO LEANDRO GONZALEZ, *et*  
6 *al.*,

7 Defendants.

8 -----x

Conference

September 6, 2018  
12:40 p.m.

10 Before:

11 HON. PAUL G. GARDEPHE,

12 District Judge

13  
14  
15 APPEARANCES

16 GEOFFREY S. BERMAN

17 United States Attorney for the  
Southern District of New York

18 BY: AMANDA L. HOULE

Assistant United States Attorney

19  
20 FEDERAL DEFENDERS OF NEW YORK

Attorneys for Defendant Gonzalez

21 BY: CLAY H. KAMINSKY

22 FLORIAN MIEDEL

23 Attorney for Defendant Monasterio

24 DAVID S. GREENFIELD

25 Attorney for Defendant Maikel

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APPEARANCES  
(continued)

LISA SCOLARI  
Attorney for Defendants Roopwah and Torres

DAVID K. BERTAN  
Attorney for Defendant Sucre

ALSO PRESENT:

BERNARD GROENEVELD, Dutch Interpreter

MIRTA HESS, Spanish Interpreter

ERIKA DE LOS RÍOS, Spanish Interpreter

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1 (Case called)

2 THE DEPUTY CLERK: Is the government ready?

3 MS. HOULE: Yes. Good afternoon, your Honor. Amanda  
4 Houle for the government.

5 THE DEPUTY CLERK: Defendants ready?

6 MR. KAMINSKY: Yes, your Honor. Clay Kaminsky,  
7 Federal Defenders, for Mr. Leandro Gonzalez.

8 MR. MIEDEL: Good afternoon. Florian Miedel, for Luis  
9 Febres Monasterio, who is second in the front row.

10 MR. GREENFIELD: Good afternoon, your Honor. David  
11 Greenfield for Mr. Maikel, who is last on your right.

12 THE COURT: All right.

13 MS. SCOLARI: Your Honor, with the court's permission,  
14 I will stand in for César De Castro for Omar Torres. Mr.  
15 Torres, would you raise your hand? He is in the jury box. And  
16 I have spoken to both Mr. Torres and my client, Mr. Roopwah,  
17 and they both agree I can stand in for today if the court  
18 approves.

19 THE COURT: All right.

20 MR. BERTAN: David Bertan here for Mr. Sucre. He is  
21 seated in position number three in the front row.

22 THE COURT: All right.

23 MS. SCOLARI: And again, I represent Mr. Roopwah, Lisa  
24 Scolari.

25 THE COURT: Right. Got it.

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1           We are here for purposes of arraigning the defendants  
2 on the charges in the indictment, and so I will start with  
3 Mr. Gonzalez.

4           Mr. Gonzalez you are here with Mr. Kaminski as your  
5 attorney this afternoon, is that correct?

6           DEFENDANT GONZALEZ: Yes.

7           THE COURT: Mr. Monasterio, you are here with  
8 Mr. Miedel as your attorney this afternoon, is that correct?

9           DEFENDANT MONASTERIO: Yes.

10          THE COURT: Mr. Maikel, I'm sorry if I am  
11 mispronouncing that, you are here with Mr. Greenfield as your  
12 attorney this afternoon?

13          DEFENDANT MAIKEL: Yes, sir.

14          THE COURT: Mr. Torres, Ms. Scolari is standing in for  
15 your attorney, Mr. de Castro, this afternoon, is that correct?

16          DEFENDANT TORRES: Yes.

17          THE COURT: And Mr. Roopwah, you are being represented  
18 by Ms. Scolari this afternoon, is that correct?

19          DEFENDANT ROOPWAH: That's correct.

20          THE COURT: And then Mr. Sucre, you are here with  
21 Mr. Bertan as your attorney this afternoon, is that correct?

22          DEFENDANT SUCRE: Yes.

23          THE COURT: I need to ask each of you if you have  
24 received a copy of the indictment and if it has been read to  
25 you in your native language.

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1 I will start with you, Mr. Gonzalez. Have you  
2 received a copy of the indictment and have the charges been  
3 read to you?

4 DEFENDANT GONZALEZ: Yes.

5 THE COURT: And Mr. Monasterio, have you received a  
6 copy of the indictment and has the indictment been read to you?

7 DEFENDANT MONASTERIO: Yes.

8 THE COURT: Mr. Maikel, have you received a copy of  
9 the indictment and has it been read to you?

10 DEFENDANT MAIKEL: Yes, I discussed it with my  
11 attorney.

12 THE COURT: Mr. Torres, have you received a copy of  
13 the indictment and has it been read to you?

14 DEFENDANT TORRES: Yes.

15 THE COURT: And Mr. Roopwah, have you received a copy  
16 of the indictment and has it been read to you?

17 DEFENDANT ROOPWAH: Yes, my Honor. Yes.

18 THE COURT: Mr. Sucre, sorry, Mr. Sucre, have you  
19 received a copy of the indictment and has it been read to you?

20 DEFENDANT SUCRE: Yes.

21 THE COURT: And have each of you had an opportunity to  
22 discuss the charges in the indictment with your attorney?

23 Mr. Gonzalez?

24 DEFENDANT GONZALEZ: Yes.

25 THE COURT: Mr. Monasterio?

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1 DEFENDANT MONASTERIO: Yes.

2 THE COURT: Mr. Maikel?

3 DEFENDANT MAIKEL: Yes.

4 THE COURT: Mr. Torres?

5 DEFENDANT TORRES: Yes.

6 DEFENDANT ROOPWAH: Mr. Roopwah?

7 THE DEFENDANT: Yes, my Honor.

8 THE COURT: And Mr. Sucre?

9 DEFENDANT SUCRE: Yes.

10 THE COURT: I need each of you to understand the  
11 charges against you in the indictment, so I'm going to review  
12 them with you. In the first charge in the indictment, you are  
13 charged with violating statutes that make it unlawful to  
14 conspire or agree to distribute cocaine or to possess cocaine  
15 with the intent to distribute it while on board a vessel that  
16 is subject to the maritime jurisdiction of the United States.

17 In the second count or charge in the indictment, each  
18 of you is charged with violating a statute or statutes that  
19 make it unlawful to distribute cocaine or to possess cocaine  
20 with intent to distribute it while on board a vessel that is  
21 subject to the maritime jurisdiction of the United States.

22 Do each of you understand that those are the charges  
23 against you?

24 Mr. Gonzalez, do you understand those are the charges  
25 against you?

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1           DEFENDANT GONZALEZ:   Yes.

2           THE COURT:   Mr. Monasterio, do you understand those  
3 are the charges against you?

4           DEFENDANT MONASTERIO:   Yes.

5           THE COURT:   Mr. Maikel, do you understand those are  
6 the charges against you?

7           DEFENDANT MAIKEL:   Yes, your Honor.

8           THE COURT:   Mr. Torres, do you understand those are  
9 the charges against you?

10          DEFENDANT TORRES:   Yes.

11          THE COURT:   Mr. Roopwah, do you understand those are  
12 the charges against you.

13          DEFENDANT ROOPWAH:   Yes.   Yes, my Honor.

14          THE COURT:   Mr. Sucre, do you understand those are the  
15 charges against you?

16          DEFENDANT SUCRE:   Yes.

17          THE COURT:   Does anyone want me to read the indictment  
18 to them now here in open court?

19          Mr. Gonzalez, do you want me to read the indictment to  
20 you?

21          DEFENDANT GONZALEZ:   No.

22          THE COURT:   Mr. Monasterio, do you want me to read the  
23 indictment to you?

24          DEFENDANT MONASTERIO:   No.

25          THE COURT:   Mr. Maikel, do you want me to read the

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1 indictment to you?

2 DEFENDANT MAIKEL: No, sir.

3 THE COURT: Mr. Torres, do you want me to read the  
4 indictment to you?

5 DEFENDANT TORRES: No.

6 THE COURT: Mr. Roopwah, do you want me to read the  
7 indictment to you?

8 DEFENDANT ROOPWAH: No, my Honor.

9 THE COURT: And Mr. Sucre, do you want me to read the  
10 indictment to you?

11 DEFENDANT SUCRE: No.

12 THE COURT: Then I'm going to ask each of you now as  
13 to each charge how you plead, whether you plead guilty or not  
14 guilty.

15 Starting with you, Mr. Gonzalez, how do you plead as  
16 to the first charge in the indictment? Guilty or not guilty.

17 DEFENDANT GONZALEZ: Not guilty.

18 THE COURT: And with respect to Count Two of the  
19 indictment? Guilty or not guilty.

20 DEFENDANT GONZALEZ: Not guilty.

21 THE COURT: Mr. Monasterio, with respect to Count One  
22 of the indictment, guilty or not guilty?

23 DEFENDANT MONASTERIO: Not guilty.

24 THE COURT: And with respect to Count Two of the  
25 indictment, guilty or not guilty?



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1 DEFENDANT MONASTERIO: Not guilty.

2 THE COURT: Mr. Maikel, with respect to Count One of  
3 the indictment, guilty or not guilty?

4 DEFENDANT MAIKEL: Not guilty, your Honor.

5 THE COURT: And with respect to Count Two of the  
6 indictment, guilty or not guilty?

7 DEFENDANT MAIKEL: Not guilty.

8 THE COURT: Mr. Torres, with respect to Count One of  
9 the indictment, guilty or not guilty?

10 DEFENDANT TORRES: Not guilty.

11 THE COURT: And with respect to Count Two of the  
12 indictment, guilty or not guilty?

13 DEFENDANT TORRES: Not guilty.

14 THE COURT: Mr. Roopwah, with respect to Count One of  
15 the indictment, guilty or not guilty?

16 DEFENDANT ROOPWAH: Not guilty, my Honor.

17 THE COURT: And with respect to Count Two of the  
18 indictment, guilty or not guilty?

19 DEFENDANT ROOPWAH: Not guilty, my Honor.

20 THE COURT: And Mr. Sucre, with respect to Count One  
21 of the indictment, guilty or not guilty?

22 DEFENDANT SUCRE: Not guilty.

23 THE COURT: And with respect to Count Two of the  
24 indictment, guilty or not guilty?

25 DEFENDANT SUCRE: Not guilty.

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1 THE COURT: Will the government tell me the nature and  
2 magnitude of the discovery materials.

3 MS. HOULE: Yes. Thank you, your Honor.

4 The government has just produced to defense counsel a  
5 CD that contains principally the materials from the Coast  
6 Guard, so that includes photos from the interdiction of the  
7 defendants' vessel and records relating to the cocaine found  
8 onboard, as well as records from the Coast Guard officers who  
9 participated in the interdiction. Their statements are  
10 included in the discovery which also relate to statements of  
11 the defendants. They took certain statements from the  
12 defendants, and that's included in this discovery.

13 The remaining piece for discovery, your Honor, is that  
14 there is a search warrant that the government expects to swear  
15 out in the coming days as there were several electronic devices  
16 that were obtained on the vessel, and we will produce those as  
17 soon as we are able to extract the contents, hopefully within  
18 one week if we don't run into any issues.

19 THE COURT: All right. This is a case brought under  
20 the statutes that relate to vessels that are as a matter of law  
21 regarded to be under the maritime jurisdiction of the United  
22 States. Defendants in these types of cases frequently have  
23 brought motions in front of me challenging the application of  
24 these statutes to their clients, and I have issued decisions in  
25 such cases in the past, but I wanted to inquire of defense

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1 counsel whether they had a sense at this point whether they  
2 would be bringing motions that challenge the application of  
3 these statutes to their clients in this case. Has anyone  
4 thought about that at this point?

5 MR. KAMINSKY: Your Honor, I think we all find that we  
6 would rather review the discovery first before we see whether  
7 there might be a motion.

8 THE COURT: Have defense counsel talked amongst  
9 themselves about, given what the assistant has said, when it  
10 might make sense for us to see each other again?

11 MR. KAMINSKY: I think we believe mid October would be  
12 reasonable, your Honor.

13 THE COURT: All right. So, Mike, we are looking for a  
14 date in mid October.

15 THE DEPUTY CLERK: Tuesday, October 16, 12:30 is  
16 available, your Honor.

17 THE COURT: How does October 16, 12:30, look for  
18 everybody?

19 MS. SCOLARI: Your Honor, I don't want to intervene to  
20 change the date, but I'm going to be on trial. I can ask a  
21 colleague to cover.

22 MR. BERTAN: I will be out of the country until that  
23 night, but if someone is willing to cover for a status  
24 conference, I will just clear it with my client beforehand.

25 MR. GREENFIELD: That's fine with me, October 16.

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1 THE COURT: Mr. Kaminsky, you are all right with that  
2 date?

3 MR. KAMINSKY: No objection, your Honor.

4 MR. MIEDEL: No objection.

5 THE COURT: So our next conference will be October 16  
6 at 12:30.

7 Does the government wish me to exclude time between  
8 then and now?

9 MS. HOULE: Yes, your Honor. We move to exclude time  
10 through October 16, 2018, to permit the defense to review the  
11 discovery materials and to contemplate any motions.

12 THE COURT: Is there any objection?

13 MR. MIEDEL: No objection.

14 MS. SCOLARI: No, your Honor.

15 COUNSEL: No objection.

16 THE COURT: Then I will exclude time between today and  
17 October 16, 2018, under the Speedy Trial Act pursuant to Title  
18 18 United States Code § 3161(h)(7)(A) to permit defense counsel  
19 to review the discovery materials and to determine whether  
20 there will be any pretrial motions. I do find that the ends of  
21 justice served by the granting of this continuance outweigh the  
22 best interests of the public and the defendants in a speedy  
23 trial.

24 Is there anything else?

25 MR. GREENFIELD: No.

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1 MR. KAMINSKY: Yes, your Honor.

2 THE COURT: Mr. Kaminsky, go ahead.

3 MR. KAMINSKY: A couple of issues, your Honor.

4 The first is, I note that on August 30, the government  
5 filed a request seeking relief under Rule 16(d)(1). Obviously  
6 since it is an *ex parte* application, I don't know what the  
7 government is seeking exactly, but I would note my objection to  
8 receiving anything less than full Rule 16 discovery.

9 THE COURT: All right. I have issued an order  
10 granting the government's application to delaying discovery for  
11 a 45-day period. I take note of your objection, but I granted  
12 that application this morning.

13 MR. KAMINSKY: Thank you, your Honor.

14 And there is one other matter, which is that my  
15 client, Mr. Alexander Gonzalez, his glasses are broken, and he  
16 has a broken tooth. We have brought these matters to the  
17 attention of MCC, where he recently landed. He was in Valhalla  
18 before that. I just want to put them on the record in case, as  
19 sometimes happens, MCC fails to address the situation.

20 THE COURT: The tooth problem, is he in pain?

21 MR. KAMINSKY: He is, your Honor.

22 THE COURT: So I would ask the government to look into  
23 these matters if you would.

24 How serious is the eyesight issue? Is he able to read  
25 without his glasses?

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1           MR. KAMINSKY: My understanding is he has borrowed a  
2 pair of glasses in order to be able to read, but he cannot read  
3 without glasses.

4           THE COURT: I would ask the government to speak with  
5 someone at the MCC about both the dental issue, the tooth  
6 issue, and the eyeglass issue. I have encountered delays in  
7 the past with the eyeglass issue, so I would like to get you to  
8 put that on the calendar at the MCC so they can start  
9 addressing it, because sometimes there is significant delay in  
10 addressing eyeglass problems. This has come up before.

11          MS. HOULE: Understood, your Honor.

12          MR. KAMINSKY: Thank you.

13          THE COURT: Thank you.

14          If there is nothing else, we are adjourned.

15                           oOo